

Claims 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The “compatibilizer” of claims 8 and 9 lack antecedent basis in any preceding claim. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 7-9 are rejected under 35 U.S.C. 102 (a or b) as being anticipated by Finnerman et al. (US 6,399,710).

It is noted that the cover of the patent indicates that it was published as WO99/27001 more than 1 year from applicants filing date and the cover of the patent therefore constitutes evidence that the subject matter of the US patent is available under 35 USC 102(b) even assuming that 60/416658 supports the full scope of the claims.

Table IV of the document discloses a blend of “TPV-1” (a TPV of polypropylene and EPDM as set out in Table II in column 10) and ethylene/octene copolymer and note that the blends are tested for “oil swell” and thus at some point were placed in contact with and absorbed oil. The blends of the patent are disclosed to generally contain small particles of crosslinked rubber dispersed in polypropylene (column 5, lines 25-27).

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Hydrocarbon oil (encompassing applicants' mineral oil) may be added at column 8, lines 10-12.

Applicants amendment has overcome the previous rejections.

Any inquiry concerning this communication should be directed to Jeffrey C. Mullis at telephone number 571 272 1075.

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